


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tushar A. Kshirsagar et al.
Serial No.: 10/596,895
Confirmation No.: 1940
Filed: January 16, 2007
For: PIPERAZINE, [1,4]DIAZEPANE, [1,4]DIAZOCANE, AND
[1,5]DIAZOCANE FUSED IMIDAZO RING COMPOUNDS
Examiner: N. E. Jarrell
Art Unit: 1624

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: March 9, 2009

Signature:  (Eileen M. MacKenzie)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the restriction requirement set forth in the Office Action mailed September 8, 2008, Applicant hereby provisionally elects Group I, claims 2, 4-8, 13, 15-20, 23-29, 32-41, drawn to compounds of formula II where variables R_{B1} and R_{A1} form a phenyl ring, X is a bond, and X' is $(CH_2)_2$, compositions containing the same, and a method of using the same, for continued examination.

In the restriction requirement, the Examiner described Group I as encompassing "claims 2, 4-8, 13, 15-20, 23-29, 32-41, drawn to compounds of formula I where variables R_{B1} and R_{A1} form a phenyl ring..." Formula I does not have variables R_{B1} and R_{A1} . However, claim 2 is directed to compounds of formula II, which does have variables R_{B1} and R_{A1} . Applicant assumes that reference

to "formula I" in Group I was a typographical error and that the Examiner intended that Group I be drawn to compounds of formula II.

As further required by the Examiner, Applicant further elects the following species for Group I: wherein Y is $\text{-S(O)}_2\text{-}$, and R_1 is alkyl.

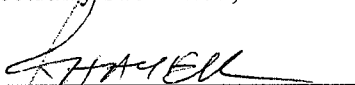
The species election is made with the understanding that it is required for searching purposes only and that all species will be considered should the generic claim be found to be allowable under 37 C.F.R. §1.141(a). Claims 2, 4-5, 13, 15-16, 19-20, 23-29, 32-35, 40, and 41 are believed to represent a grouping representative of the elected species.

Having made the election, Applicant expressly reserves the right to file one or more continuing applications on the subject matter of the non-elected claims.

A petition for a five-month extension of time to respond is being filed herewith. If there is a fee occasioned by this response, that is not covered, please charge any deficiency to Deposit Account No. 23/2825.

Dated: March 9, 2009

Respectfully submitted,

By 
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